

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F045796 Sepulveda-Huth v. W.C.A.B. and City of Visalia

Cause called and argued by Thomas Tusan, Esq., counsel for petitioner and by Leonard Herr, Esq., counsel for respondent City of Visalia.

Cause ordered submitted.

At this point Wiseman, J. leaves the bench and is replaced by Levy, J.

F044015 People v. Deleon

Cause called and argued by Robert D. Bacon, Esq., counsel for appellant. Catherine G. Tennant, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Thursday, December 9, 2004 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F041332 Vukajlovic v. Morris et al.

Cause called and argued by W. Scott Quinlan, Esq., counsel for respondent. Greg A. Morris et al., appellants in propria persona did not appear.

Cause ordered submitted.

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F044541 **Sons v. The Superior Court of Kern County; The People**
Cause called and argued by Michael H. Steinberg, Esq., counsel
for petitioner and by David A. Rhodes, Esq., Deputy Attorney
General, counsel for real party.

Cause ordered submitted.

Court recessed until Friday, December 10, 2004 at 10:00 A.M.

IN THE
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F046230 In re Samuel S. et al., Minors; Fresno County Department of Children and Family Services v. Samuel S.

No brief or request for extension of time having been filed within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F046226 People v. Cook

No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F046392 Carlos T., Sr. v. Superior Court of Tulare County; Tulare County Health and Human Services Agency

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046166 Victoria A. v. The Superior Court of Fresno County; Fresno Co. Dept. of Children & Family Services

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044834 Gornik et al. v. Nationwide Property & Casualty Insurance Company

The judgment is affirmed. Respondent is awarded costs on appeal. Vartabedian, Acting P.J.

We concur: Levy, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042780 People v. Overstreet

The trial court is ordered to amend the abstract of judgment in this matter to delete the reference to “two terms” in connection with the LWOP sentence on count 1, and to delete the \$10,000 section 1202.45 fine which was ordered and stayed pending successful completion of parole. In all other respects, the judgment is affirmed. Dawson, J.

We concur: Cornell, Acting P.J.; Gomes, J.

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F046049 **In re Leticia P. et al., Minors**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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F046049 In re Leticia P. et al., Minors

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043135 People v. Rutledge

The judgment is modified to delete the \$40 state surcharge imposed pursuant to section 1465.7. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. The judgment as modified is affirmed. Dawson, J.

We concur: Dibiaso, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043236 Jamison et al. v. Jamison

The interlocutory judgment of partition is affirmed. Costs on appeal are awarded to respondent. Levy, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043100 Jamison et al. v. Jamison

The interlocutory judgment of partition is affirmed. Costs on appeal are awarded to respondent. Levy, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F046364 Melissa A. v. The Superior Court of Fresno Co.; Fresno Co. Dept. of
Children & Family Services**

**F046520 Melissa A. v. The Superior Court of Fresno Co.; Fresno Co. Dept. of
Children & Family Services**

On our own motion, we consolidate the extraordinary writ petitions filed pursuant to California Rules of Court, rule 39.1B on behalf of M.R. in our case No. F046364 and on behalf of S.R. in our case No. F046520.

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Respondent court is directed to vacate its orders of September 7 and 30, 2004 granting real party in interest's section 388 petition and setting a section 366.26 hearing for January 12, 2005. Respondent court is further directed to conduct a new section 388 hearing after all parties have been properly notified of the hearing. The Clerk/Administrator of this court is directed to issue a remittitur forthwith. (Cal. Rules of Court, rule 26(c)(1).)

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046470 People v. Freeman

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed. Pursuant to rule 30.3, California Rules of Court, it is further ordered that the remittitur issue forthwith.